

EXHIBIT A



SMALL CLAIMS CITATION

Honorable Kelly N. Crow
Justice of the Peace, Pct 3
22333 Grand Corner Dr. Suite 102
Katy TX 77494

COURT COPY

Case No. 19-JSC31-01153

Arthur C Solomon

In the Justice Court

Vs.

Precinct 3

Davita

Fort Bend County Texas

TO: ANY SHERIFF, CONSTABLE OR OTHER PERSON AUTHORIZED BY LAW, OR ANY PERSON CERTIFIED UNDER ORDER OF THE TEXAS SUPREME COURT:

Deliver this citation to:

Davita
By Serving
Corporation Services Company
1900 W Littleton Blvd
Littleton CO 80120

The State of Texas to Davita, Defendant, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on April 05, 2019. The plaintiff's attorney name and address, or the plaintiff's address, if they have no attorney, are:

Plaintiff's Name & Address

Arthur C Solomon
32819 Wesleyan Court
Weston Lakes TX 77441

Issued and given under my hand on 4/5/2019

Honorable Kelly N Crow
Fort Bend County, Texas

By:

Jacqueline A. Garcia, Justice Court Deputy

OFFICER'S RETURN

Came to hand on the _____ day of _____ 20____, at _____
o'clock __.M. and executed within said County _____ on the _____ day of _____
_____ 20____, at _____ o'clock __.m., by delivering to the within named _____
_____ * at _____
_____ in person, a true copy of this Citation,
having first endorsed thereon the date of delivery.

FEES: Serving Citation \$ _____
Mileage \$ _____
Total \$ _____

Deputy

CONSTABLE
Precinct _____

_____, Texas

*State the date and hour of service of each defendant, and where served.

CERTIFICATE OF DELIVERY

I hereby certify that I delivered to the _____ on the _____
_____ day of _____ 20____, at _____ o'clock __.m,
this copy of this instrument

By: _____
_____ County, Texas

DEFENDANT COPY



SMALL CLAIMS CITATION

Honorable Kelly N. Crow
Justice of the Peace, Pct 3
22333 Grand Corner Dr. Suite 102
Katy TX 77494

Case No. 19-JSC31-01153

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This citation is issued pursuant to a petition filed by the above-named plaintiff on April 05, 2019. The plaintiff's attorney name and address, or the plaintiff's address, if they have no attorney, are:

Plaintiff's Name & Address

Arthur C Solomon
32819 Wesleyan Court
Weston Lakes TX 77441

Issued and given under my hand on 4/5/2019

Honorable Kelly N Crow
Fort Bend County, Texas

By: 

Jacqueline A. Garcia, Justice Court Deputy



KELLY N. CROW

Justice of the Peace, Precinct 2
Fort Bend County, Texas
22333 Grand Corner Dr., Suite
Katy, Texas 77494

OFFICIAL BUSINESS

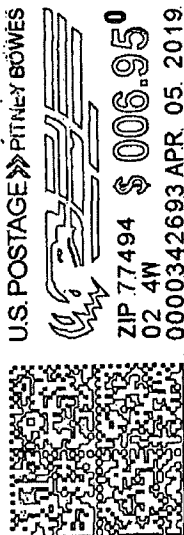
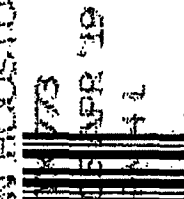
Penalty for Private Use

CERTIFIED MAIL™



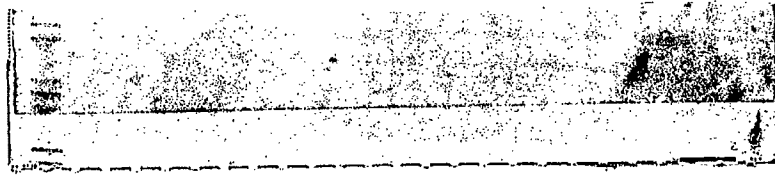
7013 3020 0001 1489 5965

19 LITTLETON



DAVITA
C/O CORPORATION SERVICES COMPANY
1900 W. LITTLETON BLVD
LITTLETON, CO 80120

5012032023 0002



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



Case No. 19-JSC31-01153

Arthur C. Solomon

Plaintiff(s)

DaVita, Inc.

vs

Defendant(s)

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§
§

In the Justice Court

Precinct 3 Place

Fort Bend County

State of Texas

STATEMENT of CLAIM

NOW COMES the above named Plaintiff(s), being duly sworn on oath, deposes and says that the above named Defendant(s), who can be notified and/or served with citation at the following address:

1st Defendant Information:Check one: ☐ 2nd Defendant or ☒ Registered Agent

DaVita, Inc.

Corporation Services Company

Name

2000 16th st.

Name

1900 W. Littleton Blvd.

Address

Denver, CO 80202

Address

Littleton, CO 80120

City

State

Zip Code

City

State

Zip Code

Defendant(s) is/are justly indebted to Plaintiff(s) in the sum of \$ 10,000, and/or return of personal property as described as follows (be specific): Insurance premiums paid of \$7,542.66 plus numerous medical claims, which has a value of \$ Over \$10,000 for the following reason(s):

DaVita provided me erroneous information regarding COBRA insurance when my employment with them terminated.

This resulted in me purchasing useless health insurance coverage from them, which caused me to be personally liable for paying several thousand dollars to my wife's healthcare providers.

AND there are no counterclaims existing in favor of Defendant(s) against Plaintiff(s) except:

NONE

☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: ARTSOLOMON530@gmail.com

X

Signature of Plaintiff, Plaintiff's authorized agent,

or

Signature of Plaintiff's Attorney (if applicable)
Bar Card #

(Check one) Serve all notices to ☒ Plaintiff, ☐ Registered Agent or ☐ Attorney for Plaintiff, at the following address:

Arthur C Solomon

Name

32819 Wesleyan Court

Address

Weston Lakes, TX 77441

City

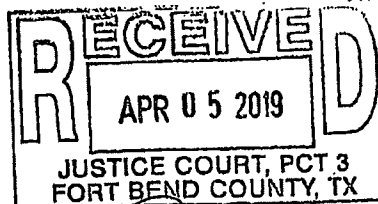
817-659-6006

State

Zip Code

Phone

FAX



SWORN to and SUBSCRIBED before me this 5th day of April, 20 19.



JACQUELINE GARCIA
CASE MANAGER
FT. BEND CO. PCT. 3

Notary or Clerk of Court

Case No. 19-JSC31-01153

In the Justice Court, Precinct 3, Fort Bend County, Texas

Arthur C Solomon
Plaintiff

VS

Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me, the undersigned authority, on this day personally appeared:

Who, under penalty of perjury (fine and/or up to one year in jail), state the following:

My name is Arthur C Solomon

I am ☒ the plaintiff or ☐ Attorney of record or authorized agent of the plaintiff.
I am capable of making this affidavit. The facts stated in the affidavit are within
my personal knowledge and are true and correct.

(check one)

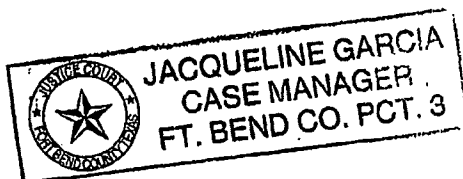
☒ Defendant is not in the military.

☐ Defendant is in the military service, I know this because _____

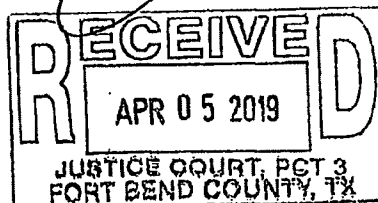
☐ I am unable to determine whether or not the Defendant is in military service.

Arthur C Solomon
Plaintiff Signature/Attorney or Agent for Plaintiff

SWORN TO and SUBSCRIBED before me on this 5th day of April, 2019



[Signature]
Notary Public in and for the State of Texas
Or Clerk of the Justice Court



JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

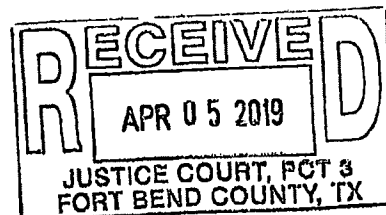
CAUSE NUMBER (FOR CLERK USE ONLY): 19-JSC31-01153

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name: Arthur C. Solomon	Telephone: 817-659-6006	Plaintiff(s): Arthur C. Solomon
Address: 32819 Wesleyan Court	Fax:	
City/State/Zip: Weston Lakes, TX 77441	State Bar No:	Defendant(s): DaVita, Inc.
Email: artsolomon530@gmail.com		
Signature:		[Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	



CAUSE NO. 19-JSC31-01153

ARTHUR C. SOLOMON,

Plaintiff,

V.

DAVITA, INC.,

Defendant.

§ IN THE JUSTICE COURT

§ PRECINCT 3

§ FORT BEND COUNTY, TEXAS

DEFENDANT'S ANSWER AND DEFENSES
TO PLAINTIFF'S STATEMENT OF CLAIM

Defendant DaVita, Inc. files its Answer and Defenses to Plaintiff's Statement of Claim, respectfully showing as follows:

GENERAL DENIAL

Pursuant to TEX. R. CIV. P. 92, Defendant denies each and every allegation contained in Plaintiff's Statement of Claim and any amendment or supplement thereto, and demands strict proof by a preponderance of the credible evidence.

DEFENSES

1. Plaintiff's Statement of Claim fails to state a claim upon which relief can be granted.
2. Plaintiff's state law claims are preempted, in whole or in part, by the applicable provisions of the Federal Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq.
3. Plaintiff's claims are barred by his failure to exhaust administrative remedies pursuant to the terms of the employee welfare benefit plan for the insurance benefits giving rise to Plaintiff's claims.

Respectfully submitted,

/s/ Tiffany Cox Stacy

Tiffany Cox Stacy
Texas State Bar No. 24050734
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.
tiffany.cox@ogletree.com
2700 Weston Centre
112 East Pecan Street
San Antonio, TX 78205
210-354-1300 (phone)
210-277-2702 (fax)

ATTORNEYS FOR DEFENDANT
DAVITA, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2019, I electronically filed the foregoing document with the court and a true and correct copy was served electronically and by Certified Mail, Return Receipt Requested to:

Arthur C. Solomon
32819 Wesleyan Court
Weston Lakes, Texas 77441
artsolomon530@gmail.com

/s/ Tiffany Cox Stacy
Tiffany Cox Stacy

38232077.1
000007.117000

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)
Location : Fort Bend [Images](#) [Help](#)**REGISTER OF ACTIONS****CASE No. 19-JSC31-01153**

Arthur C Solomon vs Davita

§
§
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§Case Type: **Small Claims**Date Filed: **04/05/2019**Location: **JP3****PARTY INFORMATION**

		Attorneys
Defendant	Davita Littleton, CO 80120	
Plaintiff or Petitioner	Solomon, Arthur C Weston Lakes, TX 77441	

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS	
04/05/2019	Case Filed (open event)	
04/05/2019	Citation	
04/05/2019	Civil Citation Service	
	Davita	Unservd
04/05/2019	Remarks	
	PAID WITH A CC	
04/19/2019	Answer/Response	
	Defendant's Answer and Defenses to Plaintiff's Statement of Claim	

FINANCIAL INFORMATION

	Defendant Davita		
	Total Financial Assessment		2.00
	Total Payments and Credits		2.00
	Balance Due as of 05/07/2019		0.00
04/22/2019	Transaction Assessment		2.00
04/22/2019	E-filing	Receipt # 31-160645	Davita (2.00)
	Plaintiff or Petitioner Solomon, Arthur C		
	Total Financial Assessment		57.95
	Total Payments and Credits		57.95
	Balance Due as of 05/07/2019		0.00
04/05/2019	Transaction Assessment		51.00
04/05/2019	Transaction Assessment		6.95
04/08/2019	Online Payment	Receipt # 31-159839	Solomon, Arthur C (57.95)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARTHUR C. SOLOMON,

Plaintiff,

v.

DAVITA, INC.,

Defendant.

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CIVIL ACTION NO. 4:19-CV-1680

LIST OF ALL COUNSEL OF RECORD

PLAINTIFF – PRO SE

ARTHUR C. SOLOMON

32819 Wesleyan Court

Weston Lakes, Texas 77441

Telephone: 817.659.6006

Email: artsolomon530@gmail.com

COUNSEL FOR DEFENDANT

DAVITA, INC.

Tiffany Cox Stacy

State Bar No. 24050734

Fed. I.D. No. 828425

Email: Tiffany.Cox@ogletree.com

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

2700 Weston Centre

112 East Pecan Street

San Antonio, TX 78205

Telephone: 210.354.1300

Fax: 210.277.2702

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